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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/650,247 | 08/28/2003 | Howard Marks | 0114855-004 | 7191 |

29159 7590 01/30/2007
BELL, BOYD & LLOYD LLP
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CHICAGO, IL 60690

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| EXAMINER |
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THOMASSON, MEAGAN J

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|----------------------------------------|------------|---------------|
| 3 MONTHS | 01/30/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/650,247 | Applicant(s) MARKS ET AL. | |
| | Examiner Meagan Thomasson | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 2, 13 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 14-23 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1,4,12,15 and 23. Claims 2, 13 and 24 have been cancelled.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,3,4,7,8,12,14,15,18,19,23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Osawa (US 6,857,958).

Osawa discloses a gaming machine controlled by a processor, comprising; a plurality of reels, each of said reels including a plurality of symbols positions, a plurality of symbols at the plurality of symbol positions on said reels (Fig. 2), said plurality of symbols including a plurality of first symbols ("seven", Fig. 18), wherein at least two of the first symbols are different, and at least one replicator symbol, wherein said at least one replicator symbol includes at least two of the same symbols at a single symbol position on the reels wherein each of said same symbols of said at least one replicator symbol functions as an individual symbol ("double seven", Fig. 18). Further, the gaming device comprises at least one predetermined winning symbol combination including at least one of said plurality of first symbols, wherein said predetermined winning symbol combination occurs in a predetermined number of symbol positions and is associated

Art Unit: 3714

with a first outcome adapted to be provided to a player; at least one additional winning symbol combination including at least one replicator symbol and at least one of said plurality of first symbols, wherein said additional winning symbol combination is also associated with said first outcome and occurs in fewer symbol positions than said predetermined number of symbol positions.

The gaming device disclosed by Osawa includes a primary game and a secondary game, the primary game having a method of play of a typical slot machine, wherein in response to a start operation by a player, a controller drives reels to stop at predetermined times and the display of a predetermined combination of symbols results in a winning outcome. Osawa discloses that the "double seven" replicator symbol configuration of Fig. 18 "may be determined so as to generate an allotment corresponding to a win in the principal game when a predetermined combination of the symbol with the other symbols is appearance in the principal game" (col. 14, lines 7-11).

The gaming device disclosed by Osawa includes a processor, wherein the processor is programmed to a) activate the reels to generate a plurality of the symbols at said plurality of symbol positions on said reels, b) determine if either of said predetermined winning symbol combination or said additional winning symbol combination is generated on the reels, and c) provide said first outcome to the player if either of said predetermined winning symbol combination or said additional winning symbol combination is generated on the reels (col. 7, lines 17-67).

Regarding claims 3,4,14,15 and 25, wherein the gaming device includes a payline and further wherein symbol positions associated with both of the winning symbol combinations are on the payline, please refer to "payline 14" of Fig. 18.

Regarding claim 7,18 and 27, wherein the winning symbol combinations are determined by at least one of a random determination, a pre-determination and a determination based on a wager made by the player, the winning symbol combinations of Osawa are predetermined (col. 2, lines 38-45).

Regarding claim 8 and 19, wherein the symbols include at least one bonus symbol, please refer to the "bonus joker" symbol shown in Fig. 2.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5,6,9-11,16,17,20-22,26 and 28-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa (US 6,857,958) in view of Kaminkow (US 6,905,406).

Osawa discloses a slot machine gaming device controlled by a processor, comprising; a plurality of reels, each of said reels including a plurality of symbols positions, a plurality of symbols at the plurality of symbol positions on said reels (Fig. 2), said plurality of symbols including a plurality of first symbols ("seven", Fig. 18), wherein at least two of the first symbols are different, and at least one replicator symbol, wherein said at least one replicator symbol includes at least two of the same symbols at a single

Art Unit: 3714

symbol position on the reels wherein each of said same symbols of said at least one replicator symbol functions as an individual symbol ("double seven", Fig. 18). Further, the gaming device comprises at least one predetermined winning symbol combination including at least one of said plurality of first symbols, wherein said predetermined winning symbol combination occurs in a predetermined number of symbol positions and is associated with a first outcome adapted to be provided to a player; at least one additional winning symbol combination including at least one replicator symbol and at least one of said plurality of first symbols, wherein said additional winning symbol combination is also associated with said first outcome and occurs in fewer symbol positions than said predetermined number of symbol positions. The gaming machine disclosed by Osawa also features a payline associated with the reels, wherein the symbol positions associated with both of the winning symbol combinations are on the payline. Additionally, Osawa discloses a bonus symbol.

Osawa lacks in disclosing a plurality of paylines associated with the reels, that the winning symbol combinations occur at a plurality of the symbol positions on the paylines, that a bonus outcome is provided to the player when a winning symbol combination including said bonus symbol occurs on the reels, wherein the bonus outcome includes at least one modifier, and further wherein the modifier includes a multiplier. Further, Osawa lacks in disclosing that the invention as described above may be provided to a player through a data network, and further that the data network is an internet.

Kaminkow et al. discloses a slot machine gaming device having wild, i.e. bonus, symbols. These bonus symbols facilitate a bonus outcome including a multiplier, as stated in col. 7, lines 16-19. Bonus symbols that result in a bonus outcome including a multiplier are notoriously well known throughout the art. Further, Kaminkow discloses a plurality of paylines (56, 57, and 58 of Fig. 26C and 26D), wherein the winning symbol combinations occur at a plurality of the symbol positions on the paylines. Additionally, a slot machine gaming device featuring a plurality of paylines is also notoriously well known in the art. Kaminkow also discloses that the slot machine gaming device features may be provided through a data network, wherein the data network is an internet (col. 6, lines 51-58).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Osawa and Kaminkow due to their analogous inventions, namely slot machine gaming devices having special symbols (i.e. replicator symbols of Osawa and bonus symbols of Kaminkow). One would be motivated to do so in order to increase player excitement through the inclusion of additional paylines and bonus outcomes, as well as increasing player accessibility to the gaming devices through the use of a data network or internet.

Response to Arguments

Applicant's arguments with respect to claims 1,3-12,14-23, and 25-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
January 23, 2007


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